

Introduced by Senator Margett

February 17, 2005

An act to amend Section 35795 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as introduced, Margett. Vehicles: size, weight, and load: local authorities: issuance of variance permits.

Existing law imposes limits on the size, weight, and load of vehicles that may be operated on the highway and authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to issue permits to operate vehicles exceeding the specified size, weight, and load limits.

Existing law authorizes a local authority to charge a fee for the issuance of the specified permits, if the fee is established by ordinance or resolution after notice and hearing.

Existing law requires that special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services be billed separately for each permit.

This bill would exclude from the list of special services that are required to be billed separately any services necessary to provide the notification required under these provisions and services that are within the scope of the local authority's ordinary duty to provide.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 35795 of the Vehicle Code is amended
2 to read:

1 35795. (a) (1) The Department of Transportation may charge
2 a fee for the issuance of permits pursuant to this article.

3 ~~The~~

4 (2) *The* fee established by the Department of Transportation
5 pursuant to this section shall be established by a regulation
6 adopted pursuant to Chapter 4.5 (commencing with Section
7 11371) of Part 1 of Division 3 of Title 2 of the Government
8 Code, and shall be calculated to produce a total estimated
9 revenue that is not more than the estimated total cost to that
10 department for administering this article. Special services
11 necessitated by unusually large or heavy loads requiring
12 engineering investigations, or other services, may be billed
13 separately for each permit.

14 ~~The~~

15 (3) *The* funds collected by the Department of Transportation
16 pursuant to this section shall be deposited in the State Highway
17 Account in the State Transportation Fund.

18 (b) Local authorities may charge a fee for the issuance of
19 permits pursuant to this article. However, the fee established by a
20 local authority pursuant to this section shall be established by
21 ordinance or resolution adopted after notice and hearing. The fee
22 shall be calculated to produce a total estimated revenue that is not
23 more than the estimated total cost incurred by the local authority
24 in administering its authority under this article and shall not
25 exceed the fee developed by the Department of Transportation
26 pursuant to subdivision (a). The fee for the issuance of permits
27 shall be developed in consultation with representatives of local
28 government and the commercial trucking industry. Notice of the
29 hearing shall be by publication as provided in Section 6064 of the
30 Government Code. The hearing shall be held before the
31 legislative body of the local authority. All objections shall be
32 considered and interested parties shall be afforded an adequate
33 opportunity to be heard in respect to their objections. Special
34 services necessitated by unusually large or heavy loads requiring
35 engineering investigations, escorts, tree trimming, or other
36 services, *excluding services necessary to provide the notification*
37 *required under this section and services that are within the scope*
38 *of the local authority's ordinary duty to provide*, shall be billed
39 separately for each permit.

40 ~~Nothing~~

1 (c) *Nothing* in this section shall limit or restrict the application
2 of Section 35782.

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